

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 04-176
)	
FREDERICK H. BANKS)	

ORDER

Defendant Frederick H. Banks ("Defendant") has filed a pleading entitled "Supplemental Express Lawful Demand Notice to Compel a Review of a Sentence on Application to a Sentence by a Magistrate under 18 USC § 3742(h)," Docket No. 536 ("Notice.")

The court has carefully reviewed Defendant's pleading and finds it largely incomprehensible, referring to "wet ods," numerous sections of the Judicial Code (28 U.S.C.) which have no bearing on this case, violation of the separation of powers doctrine, and such arguments as the claim that Defendant was not

told that the United States of America, the body corporate and quasi alter ego of the United States, the body sovereign bringing suit against Banks constituted a civil action because the United States of America, the body corporate brought the action against Banks' corporate alter ego which was a business invitee through the Social Security card.

(Notice at 1.)

To the best of the court's ability to glean any arguments of substance from Defendant's pleading, they appear to be yet another iteration of his arguments that this court did not have jurisdiction over him and, consequently, his conviction and sentence must be overturned. Defendant has been advised on

innumerable previous occasions that such arguments are to be made in the context of an action brought pursuant to the Anti-Terrorism and Effective Death Penalty Act, 28 U.S.C. § 2255.

Defendant's "lawful demand notice" seeking to compel the Government to respond is denied. To the extent Defendant raises arguments which are properly considered pursuant to 28 U.S.C. § 2255, those arguments are denied without prejudice.

January 4, 2008

/s/ Joy Flowers Conti

Joy Flowers Conti

United States District Judge

cc: Brendan T. Conway, Esq.
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